

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Mendel Stern, Aharon Ostreicher, Yochanon
Markowitz, Abraham Kohn, Isaac Schwimmer,
Esther Schwimmer, Joel Sabel, Yoel Fried and
Fraida M. Fried, Melech Krauss,
Israel Ostreicher,

18 cv 04622 (NSR)

Plaintiffs,

**AFFIRMATION OF ISAAC
SCHWIMMER**

vs.

Highland Lake Homeowners Association,
Arthur Edwards, Inc., Archway Property
Management, Inc., Carmine Mastrogiacomo,
Christopher Perrino, Alex Rubanovich, Nancy
Diaz and Ray Torres,

Defendants.

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STATE OF NEW YORK)
) ss:s.
COUNTY OF ORANGE)

ISAAC SCHWIMMER hereby affirms under pains and penalties of
perjury:

1. I am one of the plaintiffs in this matter and reside at 21 Vanderbilt Drive with Esther, my wife, and six minor children. I have lived in the Highland Lake Estates since July 2016 or for two years. I am a Hasidic Jew.
2. When I moved to the development, there was no gate or any other device blocking or restricting access to the development or the homes herein. The development commenced in the mid 1990's and contains approximately 170 homes. For more than twenty years, there had never been a gate restricting access. Many of the residents are either active or retired members

of law enforcement and there has been no criminal activity to my knowledge in the neighborhood.

3. However, since 2016, there has been a noticeable and visible increase in the number of Hasidic families moving into our community and looking for housing in the community. This has engendered significant hostility, including the amendment to our by-laws declaring Sunday to be a community-wide day of rest when all involved know that Saturday is the Sabbath for Jews and our day of rest. Our community conducts business on Sundays including visits by those interested in viewing homes for sale in the community.

4. During the summer of 2017, the President of the Homeowners Association began discussing his desire to erect a gate to limit the non-existent “crime” in our community. It was then clear that the purpose of the gate was to minimize “traffic” meaning to restrict those seeking to view homes in the community.

Since the summer of 2016, approximately 20 homes have been sold, all but one of which has been bought by a Hasidic family. The HLE Board’s private Facebook assured all residents that the Board was doing whatever it could to stop the in-migration of Jewish families into the community.

5. In this context, the gate is critical because without an access code to the gate, drivers are unable to access our community. Persons with an interest in viewing homes cannot freely enter and view homes in the community. In our religion, women do not generally drive. Our families depend on open access to the community by vendors delivering groceries. Our wives also frequently use taxicabs which transport them and our children to and from shopping and

medical appointments. These are unable to access the community due to the closed gates.

6. Our children also go to school outside of the community. Buses cannot feasibly pass through the gate and the bus companies have essentially refused to enter through the gate. Instead, the bus companies have been dropping our children on Ridge Road, a county roadway which is heavily trafficked. This endangers our children. I personally have tried to resolve this situation by ensuring that, as the HOA promised, when our children were to be picked up and dropped off, the gates would be open. This was not followed through upon and I spoke with the management company, Arthur Edwards, who indicated that he was awaiting pick off and drop off times from the bus company. Ari Rosenfeld of Quality Bus Company indicated that his company had provided this information. There are similar issues with the Monroe-Woodbury School District as the transportation director is not willing to cooperate with the gate.
7. As the situation now exists, with infants, our wives often cannot walk to Ridge Road, a busy arterial, to pick up the children being dropped off on this main road.
8. Originally, the HOA stated its intent to deprive those who have refused to pay dues to the Association of tags/access codes for the gate. More recently, after we filed this lawsuit, the HOA has altered this position, now officially demanding vehicle identification information by Sunday, August 12 at noon. In exchange, the HOA states it will provide residents with the code to the gate, allowing free access. To this date, seven of the nine plaintiffs have refused to

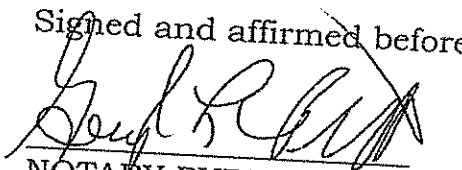
provide this information because we all believe that allowing the gate is a bow down to the discriminatory conduct being directed at our group.

9. We oppose the provision of this information because accepting the gate, which is targeted to us, shall restrict our ability to peaceably enjoy our homes and its continuation will endanger our children and make much more difficult the daily transaction of our family lives. During the summer months, only our children continue to attend school and they are being dropped off on a busy county arterial because the bus company will not move its buses through closed gates.

WHEREFORE, the court should enjoin the use of the gate until further order of this court.


ISAAC SCHWIMMER

Signed and affirmed before me this 12 day of August 2018.


NOTARY PUBLIC
GERYL L. PRESCOTT
Notary Public, State of New York
No. 01PR6014620
Qualified in Rockland County
Commission Expires Oct. 19, 20 18